

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF OKLAHOMA**

**SHELLI M. HOPKINS, an individual,**

**Plaintiff,**

**v.**

**Case No. CIV-16-166-SPS**

**BACONE COLLEGE, an Oklahoma  
not-for-profit institution,**

**THE BOARD OF TRUSTEES OF  
BACONE COLLEGE,**

**FRANK WILLIS, an individual,**

**Defendants.**

**NOTICE OF REMOVAL**

Pursuant to 28 U.S.C. §§ 1331, 1441, and 1446, Defendant, Bacone College, Inc. (“Defendant”), hereby removes this action from the District Court of Muskogee County, State of Oklahoma, to the United States District Court for the Eastern District of Oklahoma. In support of this Notice of Removal, Defendant states as follows:

1. Defendant is the named Defendant in a civil action initially filed on February 16, 2016, in the District Court of Muskogee County, State of Oklahoma, styled *Shelli M. Hopkins v. Bacone College, The Board of Trustees of Bacone College and Frank Willis*, CJ-16-61. See, Petition, attached hereto as Exhibit “1”.

2. Removal of this action from the District Court of Muskogee County, Oklahoma to federal court is proper under 28 U.S.C. §§ 1331 and 1441(a) because the federal court would have original jurisdiction of this action based on federal question

jurisdiction (28 U.S.C. § 1331), had this action been brought originally in the federal court.

3. Original jurisdiction is proper in this case pursuant to 28 U.C.S. §1331 because, in the Petition, Plaintiff has asserted causes of action brought pursuant to Title VII of the Civil Rights Act of 1964, as amended (42 U.S.C. § 2000e *et seq.*), the Age Discrimination in Employment Act of 1967 (29 U.S.C. §621 *et seq.*), and the Equal Pay Act of 1963 (29 U.S.C. §206). Plaintiff's claims for violation of federal statutory rights are the types of claims which arise under the Constitution, laws, or treaties of the United States.

4. Additionally, pursuant to 28 U.S.C. § 1367, this Court has supplemental jurisdiction over Plaintiff's asserted state law tort claims for false light and intentional infliction of emotional distress.

5. Service of the Petition was made on Defendant on April 15, 2016. Pursuant to 28 U.S.C. § 1446, this Notice of Removal is timely filed as it is within 30 days after Defendant was served with process.

6. Pursuant to 28 U.S.C. §1446(d), Defendant will promptly provide written notice of removal of the action to all other parties to this lawsuit and will promptly file a copy of this Notice of Removal with the Clerk of the Muskogee County District Court.

7. Pursuant to 28 U.S.C. 1446, and in compliance with LCvR 81.2, copies of all process, pleadings, orders, and documents filed or served in the state action are attached hereto. *See*, Petition, attached hereto as Exhibit "1"; Summons to Bacone College, Inc., attached hereto as Exhibit "2"; Summons to The Board of Trustees of

Bacone College, attached hereto as Exhibit “3”; Summons to Frank Willis, attached hereto as Exhibit “4”; Affidavit of Service on Frank Willis, attached hereto as Exhibit “5”; Returned Summons from Bacone College, attached hereto as Exhibit “6”; and Returned Summons from The Board of Trustees of Bacone College, attached hereto as Exhibit “7”

8. Also in compliance with LCvR 81.2, a copy of the docket sheet is attached as Exhibit “8”.

9. There are currently no motions pending in this action.

10. Defendant has conferred with all other defendants in this action and has been advised that there are no objections to Defendant removing this action on behalf of all defendants to the United States District Court for the Eastern District of Oklahoma.

WHEREFORE, Defendant, Bacone College, Inc., respectfully requests that the United States District Court for the Eastern District of Oklahoma accept this Notice of Removal, assume jurisdiction of the cause, and issue such further orders and processes as may be necessary.

Respectfully submitted,

**HALL, ESTILL, HARDWICK,  
GABLE, GOLDEN & NELSON, P.C.**

s/Elaine R. Turner

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**ATTORNEYS FOR DEFENDANT,  
BACONE COLLEGE**

**CERTIFICATE OF SERVICE**

I hereby certify that on this 4th day of May, 2016, I electronically transmitted the attached document to the Clerk of Court using the ECF System for filing and transmittal of Notice of Electronic Filing to the Following ECF registrants:

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s/ Elaine R. Turner